

EPA Region 8 WQS Newsletter – April 2022

Hello from Denver and Helena!

Region 8 includes 6 states and 28 tribes (6 tribes have TAS and 5 of those have EPA-approved WQS). We have annual meetings with our states & TAS tribes.

Over two-thirds of our roughly 12 million people live in two distinct bands of urban development – Colorado's Front Range and Utah's Wasatch Front. Region 8 is also home to some of the most rural counties in the nation. Population per square mile ranges from 5.8 in Wyoming to 48.5 in Colorado.

None of the states or tribes in R8 have been included in any federal promulgation of WQS.

Total land area in Region 8 is over 573,000 square miles (the size of 10 Georgias for those of you back East). Tribal nations collectively cover an area greater than the size of Tennessee.

Public lands comprise over one-third of the land area in our Region, including those managed by the U.S. Forest Service, the Bureau of Land Management and the National Park Service. Have you been to any of the 15 National Parks in our Region?

Our Region is arid, with average annual precipitation ranging from about 12 inches in Utah to 20 inches in South Dakota. This places a premium on the availability and quality of water resources to meet competing demands from farmers, municipalities, recreationists and ecological needs.

WQS Team Coordinator: Tonya Fish
Section Chief: Andrew Todd
Branch Chief: Judy Bloom
Division Director: Darcy O'Connor
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Colorado

Ex. 6 Personal Privacy (PP)

At Kramer Books, 1985.

Dave Moon

34 Years in WQS

Fun fact: Contains 75% of the land area in the Continental U.S. above 10,000 feet, including 58 peaks above 14,000 feet

Overview: Colorado has a statewide WQS rule (e.g., criteria and general policies) and another 7 rules that identify uses, criteria, and antidegradation designations for individual segments. More than 1,000 segments have been established, and this number has grown to reflect differences in biology and physical conditions. Multiple public hearings are held each year to review and revise WQS, and a substantial fraction of the proposals are based on segment-specific information. Colorado's "temporary modification" program provides the regulated community with an opportunity to conduct studies and work toward resolution of segment-specific WQS questions, and the annual reporting requirements help Colorado's hard-working WQS staff monitor progress and keep those WQS projects on schedule.

Montana

Ex. 6 Personal Privacy (PP)

Tonya Fish

18 Years in WQS

Worked in SHPD for 3 years before joining R8

Fun fact: The only state in the U.S. with a Triple Divide, which allows waters to flow to Hudson Bay, the Atlantic Ocean, and the Pacific Ocean

Overview: Montana's WQS group designated uses into 17 different classes with unclear criteria distinctions. Most recent criteria adoptions include carbaryl, cadmium, site-specific selenium criteria, and over 60 revised HHC for which the EPA has no 304(a) recommended criteria, primarily pesticides. Montana is the only state in R8 where EPA has been sued over WQS actions, including EC/SAR and nutrients. The Montana Legislature meets every other year (90 working days in every odd-numbered year), which is important for revisions to WQS that are in statute.

North Dakota

Ex. 6 Personal Privacy (PP)

Holly Wirick

5 Years in WQS

At R5, served as Regional Beach Program Coordinator for 20 years

Fun fact: The geographic center of North America (Pierce County, near Balta)

Overview: EPA approved the state's most recent triennial revisions on 11/30/21. Adoptions included updated ammonia criteria and the addition of fish tissue elements of selenium criterion. In 2018, ND updated human health criteria, revised criteria for cadmium, and added a new narrative criterion for nutrients. ND is conducting a fish tissue and water column selenium and mercury project to identify, through water quality sampling and fish tissue collection, the extent of selenium concentrations in ND surface waters along with its impacts on aquatic life. Data from this project will also help determine what selenium water quality

Ex. 5 Deliberative Process (DP)

South Dakota

Holly Wirick

Fun fact: More miles of shoreline than Florida, largely due to Lake Oahe, a 231-mile-long reservoir along the Missouri River

Overview: EPA approved the state's most recent triennial revisions on 6/25/21, which included updates to ammonia criteria and human health criteria. SD was one of the first states to adopt EPA's recommended human health recreational ambient water quality criteria for microcystins and cylindrospermopsin.

Utah

Ex. 6 Personal Privacy (PP)

Fun facts: World's largest natural stone bridge (Rainbow Bridge, 290 feet high, 275 feet across) and the North Arm of Great Salt Lake is nearly 10 times saltier than ocean water

Overview: Utah is the third driest U.S. state and has some of the nation's hardest water, leading to many site-specific criteria proposals. Utah has a relatively active WQS program with an involved stakeholder workgroup taking on its numerous site-specific issues and criteria. The Water Quality Board approves initiation of rulemaking - typically a year-long process - and after public participation the Board generally adopts most revisions recommended by the Division of Water Quality. The Great Salt Lake is so saline that most labs conducting tox tests cannot replicate in-lake conditions, and the Division has worked for decades to develop GSL criteria. EPA approved Utah's most recent WQS revisions on 3/15/21.

George Parrish

20 Years in WQS

Wyoming

Ex. 6 Personal Privacy (PP)

Fun fact: First national monument in the U.S. (Devil's Tower 1906)

Overview: Wyoming bundles its designated uses into classifications and has many distinctions without differences among those classifications. In 2016, it completed a categorical UAA for recreation, downgrading 80% of the state's waters from PCR to SCR. In the early 2000s, Wyoming developed a performance-based approach to generate criteria for effluent-dependent streams based on the net environmental benefit of that effluent (i.e., creating an aquatic habitat when/where there wasn't one).

Maggie Pierce

6.5 years in WQS at R8;
2.5 years in WQS at the
State of Colorado

Nutrient Coordinator

Ex. 6 Personal Privacy (PP)

Tina Laidlaw

23 years at EPA in
Monitoring and
Assessment and WQS

Region 8's regional nutrient strategy encourages nutrient reductions customized to each state interests and involving multiple CWA programs (i.e., WQS, assessment, permitting). The list below highlights a few current projects.

Colorado: In response to EPA's 2016 action on Colorado's numeric criteria for total nitrogen and total phosphorus for Colorado's lakes and reservoirs, the state has been working with Region 8 to adopt revised TN and TP criteria for lakes/reservoirs. The rulemaking hearing is currently scheduled for November 2022.

Montana: In 2021, Montana's passed legislation mandating the removal of the state's numeric nutrient criteria for wadeable streams and returning to use of the narrative standard. The state plans to conduct rulemaking on methods for interpreting the state's narrative standard for nutrients by September 2022.

North Dakota: With NSTEPS technical assistance, ND is establishing assessment methods for identifying lake/reservoir nutrient impairments.

Utah: UDWQ, in collaboration with a science advisory panel, is working to develop site-specific nutrient criteria for Utah Lake.

Wyoming: With NSTEPS technical assistance, WYDEQ is developing assessment methods to identify lakes/reservoirs and streams/rivers impacted by nutrients based on the state's narrative standard. The state is also collaborating with EPA to develop a nutrient sensitive diatom index.

28 federally recognized Tribes in R8, 26 with reservations, 6 with TAS for WQS, 5 with approved WQS. First 4 tribes listed have reservations in Montana. Southern Ute and main portions of Ute Mountain Ute reservations are in Colorado.

Assiniboine & Sioux Tribes (Fort Peck Reservation): WQS first approved by EPA in 2000.

Blackfeet Nation: WQS tribally-adopted. The tribe is currently working on finalizing its WQS and submitting to EPA for approval by the end of 2022.

Confederated Salish & Kootenai Tribes (Flathead Reservation): WQS first approved by EPA in 1996.

Northern Cheyenne Tribe: WQS first approved by EPA in 2013. Triennial review public notice should go out next month.

Southern Ute Tribe: WQS just approved by EPA this month!

Ute Mountain Ute Tribe: WQS first approved by EPA in 2011. In the process of adopting narrative sediment criteria with numeric translators.

Tribes